

FILED  
2020 OCT 16 AM 10:33  
CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

Valencia F.,

vs.

Andrew Saul, Commissioner  
of the Social Security Administration

**ORDER FOR AWARD OF ATTORNEY  
FEES UNDER THE  
EQUAL ACCESS TO JUSTICE ACT**

Case No.: 2:19-cv-00194-CMR

Magistrate Judge Cecilia M. Romero

Upon consideration of Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") (ECF 28) and Defendant's Stipulation for Award of Attorney's Fees (ECF 29), IT IS HEREBY ORDERED:

Defendant will pay Plaintiff a total of \$6,200.00 in attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 *et seq.* In accordance with decisions from the United States Supreme Court and Tenth Circuit Court of Appeals, the award of attorney fees must be made payable to Plaintiff as the prevailing party. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), *cert. denied*, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir. 2008) (unpublished). Payment will be sent to Plaintiff's attorney: Ryan Oldroyd, Esq.; 1500 Massachusetts Ave., NW, No. 715, Washington, D.C. 20005.

Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to costs and EAJA fees in connection with this action. The EAJA award is without prejudice to Plaintiff's attorneys' right to seek attorney fees pursuant to

section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1).

If Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), he must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 16 October 2020.



Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah